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FILED

JAN 31 2001

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UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:

**CHARLES THOMAS BROWN d/b/a TOM
BROWN PREFERRED TRUST COMPANY,**

Debtor

**MAUREEN GAUGHAN, Chapter 7 Trustee
for Charles Thomas Brown,**

Plaintiff

v.

ANN AKAMINE; et al.,

Defendants

Proceedings Under Chapter 7.

No. B-97-14228-PHX-GBN

Adversary No. 99-00746 -ECF

**ORDER AND NOTICE REQUIRING
ATTENDANCE AT MANDATORY PRE-
TRIAL CONFERENCE AND WAIVER OF
DISCLOSURE STATEMENTS REQUIRED
UNDER RULE 7026.**

Date: April 2nd, 2001

Time: 9:30 a.m. Mountain Standard Time

Place: United States Bankruptcy Court
2929 N. Central Avenue
10th Floor, Courtroom #4
Phoenix, Arizona 85067

Following the status conference held on January 19, 2001 in Adversary Proceeding 99-00746,

IT IS ORDERED that:

1. A Mandatory Pre-Trial Conference ("Pre-Trial Conference") is set for **April 2nd, 2001 at 9:30 a.m.** (Mountain Standard Time) at the United States Bankruptcy Court, 2929 North Central Avenue, 10th Floor, Phoenix, Arizona 85067 in Courtroom number 4.

1 a. Any party who 1) has not had a default judgment entered against them; and 2) has
2 not entered into a binding settlement agreement with the Trustee; or 3) has not been dismissed from this
3 adversary complaint, (hereinafter referred to as a "Remaining Party" or collectively as the "Remaining
4 Parties") is required to attend this Pre-Trial Conference personally or by counsel.

5 b. If a Remaining Party fails to appear and participate at this Pre-Trial Conference, the
6 Court may enter a default judgment against that Remaining Party for the amount requested in the Trustee's
7 complaint.

8 c. Any Remaining Party, or counsel for a Remaining Party, located outside the state of
9 Arizona may appear telephonically at this Pre-Trial Conference. Any out of state Remaining Party or
10 counsel for a Remaining Party wishing to appear telephonically shall make arrangements to do so by
11 contacting counsel for the Trustee, T. Brent Galligan, Ryley Carlock & Applewhite, at 602-440-4834 no later
12 than 4:00 p.m. on Wednesday, March 28, 2001.


13 d. At the Pre-Trial Conference, the Remaining Parties and the Trustee should be
14 prepared to discuss the following:

- 15 (i) Outstanding issues in the case;
- 16 (ii) Deadlines for discovery;
- 17 (iii) Deadlines for dispositive motions;
- 18 (iv) Stipulations as to undisputed facts;
- 19 (v) The prospects for settlement;
- 20 (vi) Witnesses and exhibits to be utilized at trial;
- 21 (vii) The setting of a trial date; and
- 22 (viii) Any other matters concerning the resolution of this adversary proceeding.

23 2. The requirement under Rule 7026, Fed.R.Bankr.P, regarding the meeting between the Trustee
24 and the Remaining Parties and the exchange of disclosure statements between the Trustee and the Remaining
25 Parties is waived and discovery may be commenced by any party.

3. Counsel for the Trustee shall serve a copy of this Order upon all Remaining Parties and file with the Court a Certificate of Mailing indicating compliance.

DATED this 31st day of January, 2001.


GEORGE B. NIELSEN, JR.
CHIEF JUDGE, UNITED STATES
BANKRUPTCY COURT